

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

BILLY FARRIS,

Plaintiff,

v.

BEN E. KEITH COMPANY,

Defendant.

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CIVIL ACTION NO. 6:17-cv-00301-RWS

AMENDED DECLARATION OF GARY D. EISENSTAT

1. My name is Gary D. Eisenstat. I am over twenty-one (21) years of age, otherwise competent to give sworn testimony, and I have personal knowledge of all the matters set forth in this Declaration and they are all true and correct.

2. I am lead counsel for the Defendant Ben E. Keith Company (“Defendant” or “BEK”) in the above-styled and numbered action. I, along with associate attorney, Andrew J. Magid, and paralegals, Joshua Ellis and Trudy Cox, provided legal services to Defendant in connection with its Motion to Show Cause for Perjury and Forgery (“Motion to Show Cause”) [Doc. No. 60] and the related briefing and hearing.

3. I have been licensed to practice law in the State of Texas since 1985. I am a shareholder in the Dallas office of the law firm Ogletree, Deakins, Nash, Smoak & Stewart, P.C. (“Ogletree”). I am board certified in Labor and Employment Law by the State Bar of Texas and a Fellow in the College of Labor and Employment Lawyers. Mr. Magid, an associate attorney in Ogletree’s Dallas office, has been licensed to practice law in the State of Texas since 2014. I and other members of my firm have extensive experience — and specialize — in handling labor and employment lawsuits. My hourly rate for this matter is

\$340.00. Mr. Magid's hourly rate for this matter is \$305.00. Joshua Ellis and Trudy Cox's hourly rate is \$120.00.

4. I am personally familiar with hourly rates of attorneys throughout Texas, and my hourly rate and the rate of Mr. Magid for this matter are reasonable and typical, if not lower than, the rates of attorneys in and around the Dallas/Fort Worth area and the Eastern District of Texas. My rate and Mr. Magid's rate are reasonable given our respective levels of experience, expertise, and training.

5. Legal work that Ogletree performed relating to the Motion to Show Cause, including depositions, briefing, and hearing preparation and attendance, are detailed in the true and correct redacted copies of the bills attached hereto as Exhibit 1. This work specifically includes the following: on April 20, 2017, Ogletree received Plaintiff's Notice of Filing of Declarations [Doc. No. 22], which included the declarations of four individuals, one current BEK employee, and three former BEK employees, including Gerald McKinley ("McKinley") and Troy McNaughton ("McNaughton") (collectively, the "Declarations"). Upon receiving these Declarations, we deposed Plaintiff, including regarding the Declarations, which were verbatim identical except for the names of the declarants and their signature blocks. Plaintiff testified that he obtained the Declarations personally. We then deposed some of the other declarants, including McKinley, and learned that McKinley's Declaration had been forged and that he had never seen nor signed this Declaration prior to his deposition, thus showing that Plaintiff had committed perjury in his deposition and forged McKinley's signature to this Declaration.

6. On July 17, 2017, I received an "Authorizations for Release of Records — Employment" ("Authorization") from Plaintiff's counsel allegedly from several current and

former BEK employees, including McNaughton, seeking the release of BEK's personnel files, including of McNaughton, to Plaintiff's counsel. We then presented this Authorization to McNaughton who advised us that he had neither seen nor signed this Authorization and that it was also a forgery. We obtained subsequent declarations from McNaughton confirming that he never signed this Authorization nor authorized anyone to sign his name to the same, as Plaintiff had claimed.

7. Based upon the above, we prepared and filed the Motion to Show Cause and related materials, reviewed Plaintiff's response, prepared a subsequent reply in support of the Motion to Show Cause, and reviewed Plaintiff's sur reply. We also subsequently prepared extensively for, and I attended, the hearing on the Motion to Show cause and argued the same for just over one hour, which included a PowerPoint presentation shown to Magistrate Mitchell and used extensively at the hearing. Thereafter, we received and reviewed the Magistrate's Report and Recommendation ("Report") in which that Court recommended that BEK's Motion to Show Cause be granted and reviewed it with BEK. Plaintiff then filed his objections to the Report and we prepared and responded to Plaintiff's objections to the Report. We also reviewed the Court's Order Adopting Report and Recommendation of the United States Magistrate Judge [Doc. No. 131] and shared that Order with our client. Finally, as provided in that Order, we have prepared this Amended Fee Application.

8. Exhibit 1 to this Amended Declaration contains adjustments to the attached bills ("Amended Bills") that were filed with my original Declaration. Certain entries were inadvertently included on, and excluded from, Exhibit 1 to my original Declaration ("Original Bills"). Specifically, the Original Bills contained an eight-hour time entry for July 26, 2017, for travel to/from Palestine, Texas, which also included preparing for and defending the



deposition of Keith Williamson and deposing Gerald McKinley on July 26, 2017. The Amended Bills exclude the time spent defending Mr. Williamson's deposition and eliminates half of the four-hour travel time to and from Palestine, thereby allocating two of the four hours of travel time to travel associated with Mr. Williamson's deposition. Accordingly, the Amended Bill allocates 3.6 hours of this time to Mr. McKinley's deposition, and associated travel. The Original Bills contained entries on August 4 and 8, 2017, and November 6, 2017, for: (1) 0.6 hour entry regarding communications with Angela Howell and Andrew Gregory about the Palestine facility's check-up process and declarations; (2) a 1.70 hour entry for revisions to BEK's Motion for Summary Judgment; and (3) a 0.2 hour entry for a draft outline of Plaintiff's alleged comparators to reference during the forthcoming discovery hearing. These three time entries were inadvertently included on the Original Bills and have subsequently been removed from the Amended Bills and are not part of the fees sought in the Amended Application. Further, the Original Bill contained a 0.3 hour entry on August 9, 2017, for communications with the Court's law clerk regarding BEK's Motion to Show Cause, Plaintiff's Motion for Leave to File a Third Amended Complaint, and BEK's Motion for Summary Judgment. The Amended Bills correct the inadvertent inclusion of time spent on communications regarding the Motion for Leave to File a Third Amended Complaint and Motion for Summary Judgment and now only seeks the fees for 0.1, relating to the Motion to Show Cause. Further, the Original Bills did not include all of Mr. Magid's January 2018 time entries associated with this Fee Application or Mr. Eisenstat's January 17, 18, and 19, 2018 time entries for: (1) 0.1 hours for reviewing the status of the Fee Application; (2) 0.80 hours for reviewing and revising the Fee Application; and (3) 1.0 for finalizing the Fee Application — all of which have now been included in the Amended Application.

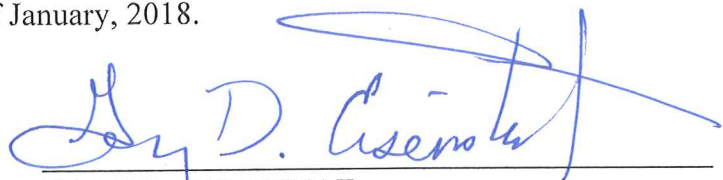


9. The legal work/services described above, which was both reasonable and necessary to pursue the Motion to Show Cause, resulted in attorneys' and paralegal fees and expenses now totaling \$40,908.69 (\$36,487.50 in attorneys' fees and \$4,421.19 in expenses), as revised. The expenses consist of travel to and from Palestine and Tyler for the depositions of McKinley and Farris, and the hearing on the Motion to Show Cause, court reporter and transcript expenses for the McKinley and Farris depositions, process server expenses for McKinley and McNaughton, and photocopies of documents for the hearing on the Motion to Show Cause. Based upon my education, training, and experience, it is my opinion that these fees are both reasonable and necessary, especially given the nature of the relief requested, the briefing schedule, the issues presented, and the amount of evidence and research involved.

10. The information provided in the redacted bills attached is provided solely to assist the Court and is being provided subject to, and without waiving, any and all applicable privileges, including the attorney/client privilege and the work-product privilege.

11. I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED this 22<sup>nd</sup> day of January, 2018.

  
GARY D. EISENSTAT

32700805.2

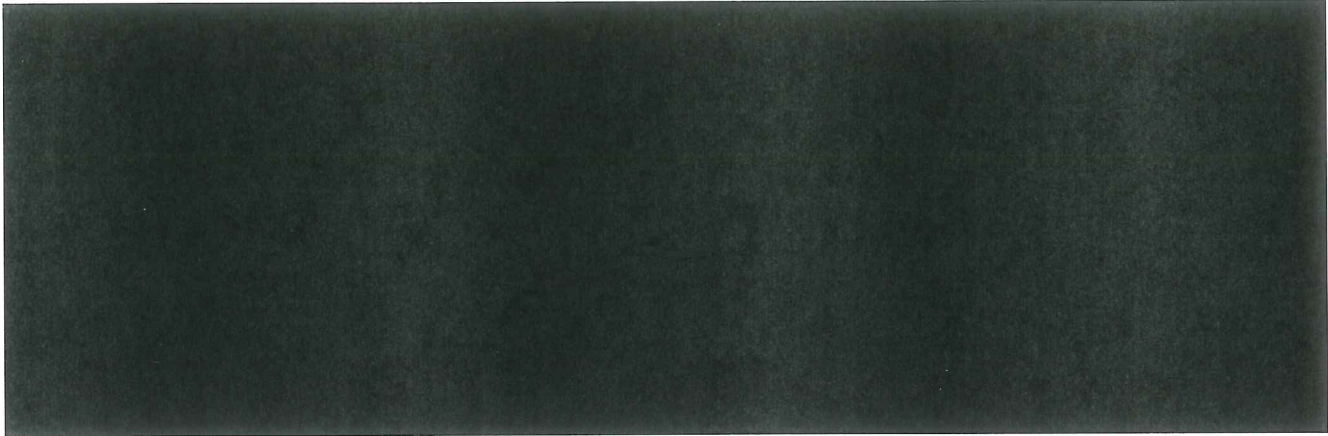
# Exhibit 1

Ogletree  
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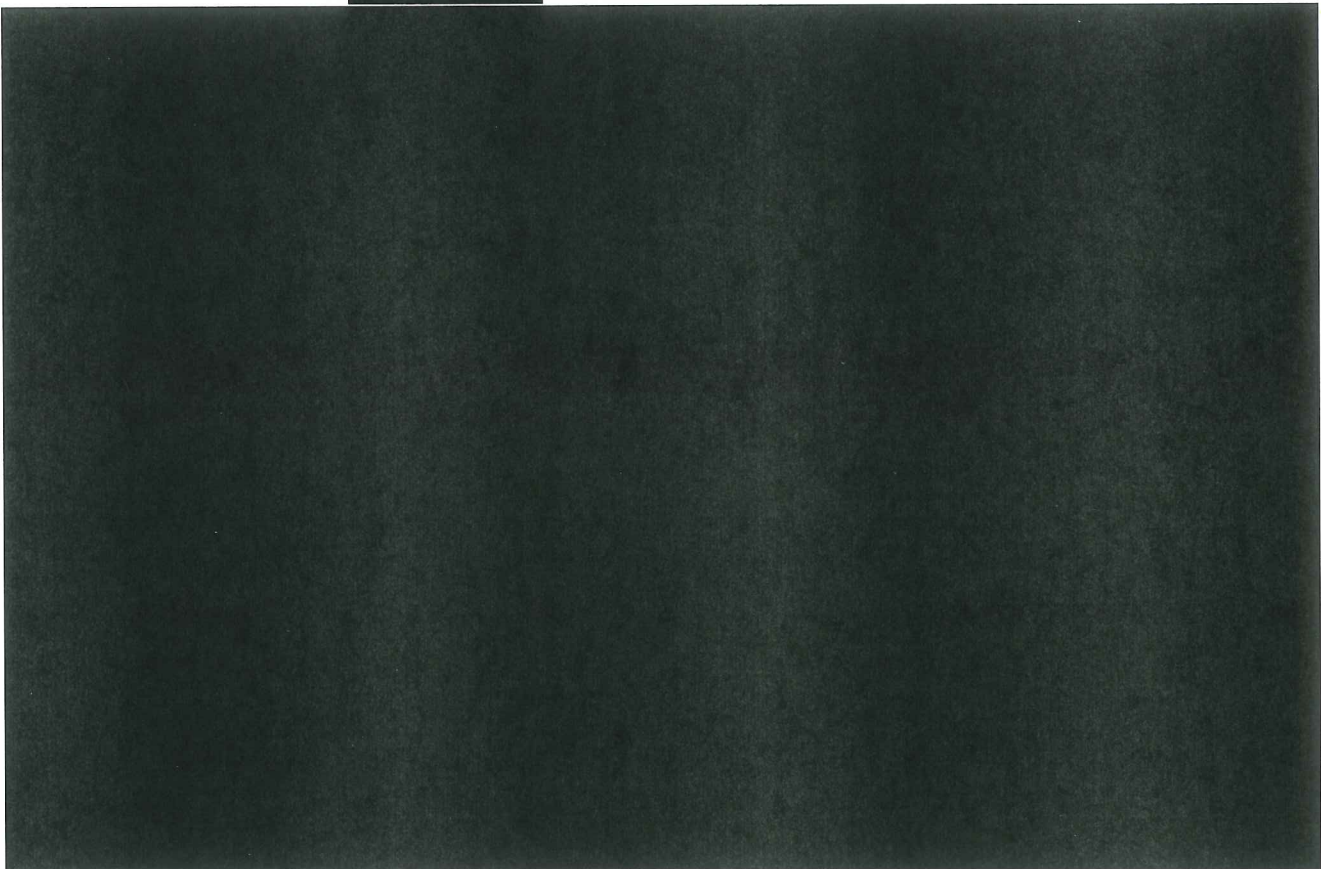
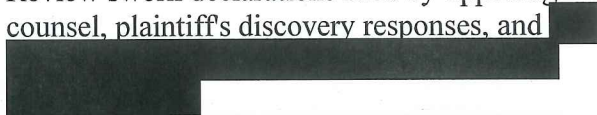
Page 6  
05/30/17

Invoice No. 1713623  
220036-000052-BSM

Date	Initials	Description	Hours	Amount
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04/20/17	AJM	Review sworn declarations filed by opposing counsel, plaintiff's discovery responses, and [REDACTED]	0.90	274.50
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06/26/17

Invoice No. 1727932  
220036-000052-BSM

Date	Initials	Description
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Hours	Amount
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REDACTED

05/03/17	AJM	Prepare Billy Farris' deposition notice.
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0.10

30.50

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06/26/17

Invoice No. 1727932  
220036-000052-BSM

Date	Initials	Description
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Hours	Amount
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REDACTED

05/08/17	GDE	Continue work on plaintiff's deposition outline.	0.90	306.00
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06/26/17

Invoice No. 1727932  
220036-000052-BSM

Date	Initials	Description	Hours	Amount
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REDACTED

05/12/17	GDE	Work on plaintiff's deposition preparation.	1.90	646.00
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06/26/17  
Invoice No. 1727932  
220036-000052-BSM

Date	Initials	Description	Hours	Amount
05/12/17	AJM	Compile exhibits for possible use during plaintiff's deposition.	1.10	335.50

REDACTED

05/15/17	GDE	Prepare for plaintiff's deposition.	2.20	748.00
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REDACTED

05/15/17	AJM	Work on documents and potential exhibits needed for plaintiff's upcoming deposition.	2.10	640.50
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REDACTED

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06/26/17  
Invoice No. 1727932  
220036-000052-BSM

Date	Initials	Description	Hours	Amount
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REDACTED

05/16/17	GDE	Work on preparation for plaintiff's deposition.	3.40	1,156.00
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05/16/17	AJM	Continue work on documents and exhibits for Billy Farris' deposition.	0.50	152.50
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06/26/17  
Invoice No. 1727932  
220036-000052-BSM

Date	Initials	Description	Hours	Amount
05/18/17	GDE	Travel to Palestine to take deposition of plaintiff.	2.30	782.00
05/18/17	GDE	Depose plaintiff Billy Farris.	5.10	1,734.00
05/18/17	GDE	Telephone call with Andrew Gregory regarding	0.30	102.00
05/18/17	GDE	Travel to Dallas from Palestine after deposing plaintiff.	2.20	748.00



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06/26/17

Invoice No. 1727932  
220036-000052-BSM

Description	Expenses	Amount
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Travel - Gary D. Eisenstat - Mileage - Travel to Palestine, Texas on Thursday, May 18 for Deposition of Plaintiff ODNSS-Dallas to Palestine, Texas 241.43 miles on 05/19/17		129.17
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Total Expenses

TOTAL FEES  
TOTAL EXPENSES  
TOTAL THIS INVOICE

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07/24/17

Invoice No. 1742544  
220036-000052-BSM

Date	Initials	Description	Hours	Amount
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REDACTED

06/07/17	AJM	Analyze opposing counsel's request for the personnel files of Rodney Mims, Troy McNaughton, Morris Cook, and Gerald McKinley.	0.30	91.50
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06/08/17	AJM	Multiple communications with Jessica Amyett regarding opposing counsel's request for declarants' personnel files.	0.20	61.00
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07/24/17  
Invoice No. 1742544  
220036-000052-BSM

Date	Initials	Description	Hours	Amount
06/08/17	AJM	Review Troy McNaughton and Gerald McKinley's disciplinary files in light of opposing counsel's request for documents regarding Troy McNaughton, Gerald McKinley, Morris Cook, and Rodney Mims.	0.30	91.50
06/08/17	AJM	Work on scheduling the depositions of Gerald McKinley.	0.20	61.00
06/09/17	AJM	Review personnel files of Rodney Mims, Troy McNaughton, Morris Cook, and Gerald McKinley received from Jessica Amyett.	1.30	396.50



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07/24/17

Invoice No. 1742544  
220036-000052-BSM

Date	Initials	Description	Hours	Amount
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REDACTED

06/29/17	GDE	Review plaintiff's deposition for Rule 11 motion.	1.30	442.00
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07/24/17

Invoice No. 1742544  
220036-000052-BSM

Date	Initials	Description	Hours	Amount
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REDACTED

06/30/17	AJM	Legal research regarding Rule 11(c)(2) in light of sanctions letter to opposing counsel.	0.30	91.50
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07/24/17

Invoice No. 1742544  
220036-000052-BSM

Date	Initials	Description	Hours	Amount
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REDACTED

Timekeeper	Timekeeper Summary Title	Rate	Hours	Amount
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Description	Expenses	Amount
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Depositions - Veritext - Transcript of Hearing 5/18/17 - on 05/18/17 - Hearing		2,320.19
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Total Expenses

TOTAL FEES  
TOTAL EXPENSES  
TOTAL THIS INVOICE



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08/28/17  
Invoice No. 1758669  
220036-000052-BSM

Date	Initials	Description	Hours	Amount
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REDACTED

07/17/17	GDE	Review authorizations from plaintiff's counsel of former employees.	0.10	34.00
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08/28/17

Invoice No. 1758669  
220036-000052-BSM

Date	Initials	Description	Hours	Amount
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REDACTED

07/19/17	TDC	Run background searches on Rodney Mims, Troy McNaughton and Jacquez McKinley for current addresses for purposes of serving nonparty deposition subpoenas.	0.20	24.00
07/19/17	TDC	Prepare Notices of Deposition and Subpoenas to Appear for Deposition to Rodney Mims, Troy McNaughton and Jacquez McKinley.	0.20	24.00

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Date	Initials	Description	Hours	Amount
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REDACTED

07/20/17	AJM	Continue working on deposition notices and subpoenas for non-parties Rodney L. Mims, Troy McNaughton, and Jacquez F. McKinley.	0.30	91.50
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Invoice No. 1758669  
220036-000052-BSM

<b>Date</b>	<b>Initials</b>	<b>Description</b>	<b>Hours</b>	<b>Amount</b>
07/20/17	TDC	Finalize subpoenas and notices for depositions of Rodney Mims, Troy McNaughton and Jacquez McKinley.	0.30	36.00

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Date	Initials	Description	Hours	Amount
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REDACTED

07/25/17	GDE	Prepare for additional depositions.	1.40	476.00
07/25/17	AJM	Analyze communications from process server regarding issues with serving Troy McNaughton's deposition subpoena.	0.10	30.50

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Invoice No. 1758669  
220036-000052-BSM

Date	Initials	Description	Hours	Amount
07/25/17	AJM	Multiple communications with Stacie Sartors regarding Troy McNaughton's deposition.	0.20	61.00
07/26/17	GDE	Travel to and from Palestine, TX and prepare for and defend deposition of Keith Williamson, and depose Gerald McKinley.	8.00	2,720.00
		Partial allocation for McKinley deposition.	3.6	1,224.00
REDACTED				
07/27/17	GDE	Telephone call with Craig Woodcook in connection with Gerald McKinley Declaration.	0.30	102.00

REDACTED

07/27/17	GDE	Review Motion to Show Cause, and research issues.	0.70	238.00
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REDACTED

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08/28/17

Invoice No. 1758669  
220036-000052-BSM

Date	Initials	Description	Hours	Amount
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REDACTED

07/28/17	GDE	Review Amended Declaration of Gerald McKinley, and forward same to Craig Woodcook.	0.20	68.00
07/28/17	GDE	begin drafting defendant's Motion to Show Cause.	2.40	816.00

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Invoice No. 1758669  
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Date	Initials	Description	Hours	Amount
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REDACTED

07/29/17	GDE	Continue work on defendant's Motion to Show Cause.	1.90	646.00
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07/31/17	GDE	Email with Craig Woodcook regarding Motion to Show Cause.	0.10	34.00
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07/31/17	GDE	Work on Motion to Show Cause and	0.60	204.00
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Invoice No. 1758669  
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Date	Initials	Description	Hours	Amount
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REDACTED

07/31/17	AJM	Research and analyzing caselaw regarding sanctions or penalties associated with filing a forged affidavit or declaration with the court.	0.80	244.00
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Total Services

REDACTED



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08/28/17

Invoice No. 1758669  
220036-000052-BSM

Description	Expenses	Amount
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REDACTED

Travel - Gary D. Eisenstat - Mileage - Travel to Palestine, Texas for depositions Home to Palestine, Texas 243.97 miles on 07/27/18	130.52
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Total Expenses

TOTAL FEES  
TOTAL EXPENSES  
TOTAL THIS INVOICE

REDACTED

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Invoice No. 1774029  
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Date	Initials	Description	Hours	Amount
08/02/17	AJM	Multiple communications with Troy McNaughton regarding new declaration	0.30	91.50
08/02/17	AJM	Work on new declaration for Troy McNaughton in light of telephone conference with him earlier today.	0.60	183.00
08/03/17	GDE	Revise Motion to Show Cause.	0.60	204.00

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09/29/17

Invoice No. 1774029  
220036-000052-BSM

Date	Initials	Description	Hours	Amount
08/03/17	AJM	Continue working on declaration of Troy McNaughton.	0.40	122.00
08/03/17	AJM	Multiple communications with Troy McNaughton regarding declaration.	0.40	122.00

REDACTED

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09/29/17

Invoice No. 1774029  
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Date	Initials	Description	Hours	Amount
08/07/17	GDE	Revise Motion to Show Cause in light of additional forgery issues.	0.90	306.00
08/07/17	GDE	Review and revise Declaration of Troy McNaughton regarding forged Authorization.	0.30	102.00
08/07/17	GDE	Email with Craig Woodcook regarding forgery, and Motion to Show Cause.	0.20	68.00

REDACTED

08/07/17	AJM	Multiple communications (several telephone and email exchanges) with Troy McNaughton regarding declaration clarifying his previous declaration in support of plaintiff's claims and regarding forged authorization for records submitted by opposing counsel.	0.70	213.50
08/07/17	AJM	Prepare supplemental declaration of Troy McNaughton clarifying his original declaration in support of plaintiff's claim in light of telephone call with Mr. McNaughton.	0.20	61.00
08/07/17	AJM	Revise new declaration for Troy McNaughton regarding forged records authorization.	0.40	122.00
08/07/17	AJM	Multiple communications with Angela Howell regarding and Troy McNaughton.	0.20	61.00

REDACTED

08/08/17	GDE	Email with Craig Woodcook regarding Motion to Show Cause.	0.20	68.00
08/08/17	GDE	Revise Motion to Show Cause, and work on Appendix in Support.	1.20	408.00

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09/29/17  
Invoice No. 1774029  
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Date	Initials	Description	Hours	Amount
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REDACTED

08/09/17	GDE	Revise and finalize Motion to Show Cause and Appendix supporting same.	2.80	952.00
08/09/17	GDE	Various emails with Craig Woodcook regarding Motion to Show Cause.	0.30	102.00
08/09/17	GDE	Prepare proposed Order Granting defendant's Motion to Show Cause.	0.30	102.00

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09/29/17

Invoice No. 1774029  
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Date	Initials	Description	Hours	Amount
08/09/17	AJM	Multiple communications with Judge Schroeder's clerk regarding Motion to Show Cause, plaintiff's Motion for Leave to File Third Amended Complaint, and defendant's Motion for Summary Judgment.	0.30	91.50
		Partial allocation for communications regarding Motion to Show Cause:	.10	30.50
08/09/17	AJM	Analyze key facts and information regarding Motion to Show Cause,	0.30	91.50
		for inclusion in telephone call with Judge Schroeder's clerk.		



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09/29/17  
Invoice No. 1774029  
220036-000052-BSM

Date	Initials	Description	Hours	Amount
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08/09/17	AJM	Further revisions to Motion to Show Cause.	0.60	183.00
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REDACTED

08/09/17	JHE	Prepare appendix and exhibits to appendix to motion to show cause.	2.30	276.00
08/10/17	GDE	Finalize proposed Order regarding Motion to Show Cause.	0.30	102.00
08/10/17	GDE	Telephone call and email with Bob Whitehurst attempting to confer on Motion to Show Cause.	0.30	102.00
08/10/17	GDE	Finalize and file Motion to Show Cause.	1.10	374.00

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09/29/17

Invoice No. 1774029  
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Date	Initials	Description	Hours	Amount
08/10/17	AJM	Prepare proposed Order to defendant's Motion to Show Cause.	0.20	61.00

08/15/17	GDE	Correspondence with Bob Whitehurst regarding responding to Motion to Show Cause, and various emails with Craig Woodcook regarding same.	0.30	102.00
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**Date**      **Initials**      **Description**

**Hours**      **Amount**

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Deakins**

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09/29/17  
Invoice No. 1774029  
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Date	Initials	Description	Hours	Amount
08/20/17	GDE	Review letter from Bob Whitehurst regarding plaintiff's further request for personnel files.	0.10	34.00
08/20/17	GDE	Prepare response to letter from Bob Whitehurst regarding plaintiff's further request for personnel files.	0.20	68.00
08/21/17	GDE	Revise and finalize letter to Bob Whitehurst regarding personnel files.	0.20	68.00
08/21/17	GDE	Review letter from Bob Whitehurst regarding Troy McNaughton personnel files, and forward same to Craig Woodcook.	0.10	34.00
08/21/17	GDE	Prepare response letter to Bob Whitehurst regarding Troy McNaughton personnel files.	0.20	68.00

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Deakins**

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09/29/17

Invoice No. 1774029  
220036-000052-BSM

<b>Date</b>	<b>Initials</b>	<b>Description</b>	<b>Hours</b>	<b>Amount</b>
08/21/17	AJM	Analyze communications from opposing counsel regarding renewed request for personnel files and proposed response.	0.20	61.00
08/22/17	GDE	Revise and finalize letter to Bob Whitehurst regarding Trey McNaughton's personnel files.	0.20	68.00

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Invoice No. 1774029  
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Date	Initials	Description	Hours	Amount
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08/27/17	GDE	Review plaintiff's Response to defendant's Motion to Show Cause.	0.20	68.00
08/27/17	GDE	Various emails with Craig Woodcook regarding plaintiff's Response to Motion to Show Cause.	0.20	68.00
08/27/17	GDE	Begin to prepare Reply Brief in Support of Motion to Show Cause.	1.70	578.00
08/28/17	GDE	Work on Reply Brief in Support of Motion to Show Cause.	2.10	714.00





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09/29/17

Invoice No. 1774029  
220036-000052-BSM

Date	Initials	Description	Hours	Amount
08/29/17	GDE	Revise Reply Brief in Support of Motion to Show Cause.	2.20	748.00
08/29/17	GDE	Work on obtaining a possible Supplemental Declaration of Troy McNaughton.	0.20	68.00
08/29/17	AJM	Continue working on Reply in Support of defendant's Motion to Show Cause.	0.60	183.00
08/30/17	GDE	Revise proposed Supplemental Declaration of Troy McNaughton.	0.80	272.00
08/30/17	GDE	Revise Reply Brief in Support of Motion to Show Cause.	1.10	374.00
08/30/17	AJM	Analyze issues regarding Troy McNaughton's willingness to sign a new declaration in support of our Reply in Support of defendant's Motion to Show Cause.	0.20	61.00
08/30/17	AJM	Multiple communications with Troy McNaughton regarding new declaration for defendant's Reply in Support of its Motion to Show Cause.	0.80	244.00
08/30/17	AJM	Work on supplemental declaration of Troy McNaughton regarding plaintiff's records authorization.	0.60	183.00



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09/29/17

Invoice No. 1774029  
220036-000052-BSM

Date	Initials	Description	Hours	Amount
08/31/17	GDE	Various emails with Craig Woodcook regarding Reply Brief in Support of Motion to Show Cause.	0.30	102.00
08/31/17	GDE	Revise Reply Brief	0.60	204.00
<hr/>				
08/31/17	AJM	Continue working on Reply in Support of defendant's Motion to Show Cause and Second Supplemental Appendix.	1.40	427.00
08/31/17	AJM	Multiple communications with Troy McNaughton regarding his supplemental declaration.	0.20	61.00
08/31/17	TDC	Prepare Supplemental Appendix to Motion to Show Cause for Forgeries and Perjury	0.50	60.00

Total Services

Ogletree  
Deakins

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09/29/17  
Invoice No. 1774029  
220036-000052-BSM

REDACTED

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Depositions - Deposition Solutions LLC - Deposition transcript of Jacquez Fitzgerald McKinley - on 07/26/17 - Jacquez Fitzgerald McKinley	898.49
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Messenger - Special Delivery Service, Inc. - Process Service: Troy McNaughton - on 08/01/17	270.00
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Messenger - Special Delivery Service, Inc. - Process Service: Jacquez F. McKinley - on 07/24/17	486.25
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Total Expenses

Ogletree  
Deakins

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09/29/17

Invoice No. 1774029  
220036-000052-BSM

TOTAL FEES  
TOTAL EXPENSES  
TOTAL THIS INVOICE

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10/26/17  
Invoice No. 1787733  
220036-000052-BSM

Craig Woodcook, Esq., Assistant General Counsel  
Ben E. Keith Company  
P.O. Box 2628  
Fort Worth, TX 76113

**Re: Billy Farris v. Ben E. Keith (Palestine Beverage)**

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For professional services rendered through September 30, 2017:

Date	Initials	Description	Hours	Amount
09/01/17	AJM	Multiple communications with Troy McNaughton regarding supplemental declaration.	0.20	61.00
09/05/17	GDE	Finalize Reply Brief regarding Motion to Show Cause.	0.30	102.00
09/05/17	AJM	Multiple communications with Craig Woodcook regarding supplemental declaration of Troy McNaughton.	0.60	183.00

REDACTED



Page 3  
10/26/17  
Invoice No. 1787733  
220036-000052-BSM

Date	Initials	Description	Hours	Amount
09/05/17	AJM	Multiple communications with Troy McNaughton and Angela Howell regarding McNaughton's supplemental declaration.	0.40	122.00
09/05/17	AJM	Continue working on, and finalizing, Defendant's Reply Brief In Support of Its Motion to Show Cause for Forgeries and Perjury in light of recent communications with Angela Howell and Troy McNaughton.	1.20	366.00
09/05/17	TDC	Continue working on Supplemental Appendix to Motion to Show Cause.	0.30	36.00
<hr/>				
09/07/17	GDE	Review Plaintiff's Surreply to Motion to Show Cause and email to Craig Woodcook regarding strategy issues relating to Surreply.	0.30	102.00
09/07/17	AJM	Analyze plaintiff's Sur-Reply to defendant's Motion to Show Cause and Eastern District's Local Rules regarding leave of Court requirements when filing sur-replies and replies to sur-replies for inclusion in update to Craig Woodcook.	0.30	91.50

REDACTED

Ogletree  
Deakins

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11/30/17  
Invoice No. 1804573  
220036-000052-BSM

Date	Initials	Description	Hours	Amount
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10/20/17	AJM	Analyze Judge Schroeder's order referring pretrial matters to Magistrate--including statute cited therein--and determine whether the Magistrate will hear arguments on Motion to Show Cause.	0.20	61.00
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REDACTED

Ogletree  
Deakins

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11/30/17  
Invoice No. 1804573  
220036-000052-BSM

Date	Initials	Description	Hours	Amount
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10/25/17	AJM	Review Court Order regarding denial of Motion to Continue as Moot and Order Setting Discovery Hearing.	0.10	30.50
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REDACTED



Ogletree  
Deakins

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11/30/17

Invoice No. 1804573  
220036-000052-BSM

Date	Initials	Description	Hours	Amount
10/30/17	AJM	Analyze client documents and introduce Troy McNaughton's Declaration	0.40	122.00

REDACTED

**Ogletree  
Deakins**

Page 3  
12/21/17  
Invoice No. 1818600  
220036-000052-BSM

Date	Initials	Description	Hours	Amount
11/03/17	GDE	Prepare for discovery and sanctions hearing.	0.20	68.00
11/05/17	GDE	Further preparation for discovery and sanctions hearing.	0.30	102.00
11/06/17	GDE	Prepare for hearing on discovery and motion to show cause.	2.30	782.00
11/06/17	AJM	Analyze key documents, arguments, and case law, for inclusion in forthcoming hearing on motions regarding discovery and to show cause for perjury and forgery.	2.60	793.00

REDACTED

11/06/17	JHE	Begin preparing notebooks for use by attorney at upcoming hearings.	3.50	420.00
11/06/17	JHE	Begin preparation of demonstrative for use at Motion to Show Cause hearing.	1.90	228.00
11/07/17	GDE	Final preparation for sanctions and discovery hearing.	2.80	952.00
11/07/17	GDE	Travel to Tyler, Texas for sanctions hearing.	1.80	612.00
11/07/17	GDE	Attend sanctions and discovery hearing.	1.10	374.00
11/07/17	GDE	Travel from Tyler, Texas to Dallas after sanctions and discovery hearing.	1.90	646.00
11/07/17	GDE	Review minute order and forward to Craig Woodcook.	0.10	34.00

Ogletree  
Deakins

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12/21/17  
Invoice No. 1818600  
220036-000052-BSM

Date	Initials	Description	Hours	Amount
REDACTED				
11/07/17	AJM	Analyze when opposing counsel first filed the amended McKinley declaration in light of hearing on Defendant's Motion to Show Cause.	0.10	30.50
REDACTED				
11/07/17	AJM	Work on, and finalize, evidence case law, and information, to present to court for today's hearing on Defendant's Motion to Show Cause.	0.90	274.50
11/07/17	JHE	Assist attorney with preparation for upcoming hearings, ensuring demonstratives and other hearing materials are complete.	3.00	360.00
11/08/17	GDE	Various emails to Craig Woodcook regarding sanctions hearing and settlement.	0.30	102.00



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12/21/17  
Invoice No. 1818600  
220036-000052-BSM

<b>Timekeeper</b>	<b>Timekeeper Summary Title</b>	<b>Rate</b>	<b>Hours</b>	<b>Amount</b>
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<b>Expenses</b>				<b>Amount</b>
<b>Description</b>				
Copies	740 @	0.10 ea.		74.00
Travel - Gary D. Eisenstat - Mileage - Travel to Tyler, Texas for Hearing on Various Motions ODNSS to Tyler, Texas 210.41 miles on 11/09/17				112.57
Total Expenses				186.57

REDACTED

TOTAL FEES	
TOTAL EXPENSES	\$186.57
TOTAL THIS INVOICE	

DATE: 01/19/18 14:37:30 PRO FORMA STATEMENT AS OF 123117 FOR FILE (220036-000052) 220036-000052 #2688086(\*\*\*\*\*) Page 1 (1)

\*-----CLIENT INFORMATION-----\*  
Ben E. Keith Company

-CLIENT #- --ORIGINATING--

--MANAGING--

--RESPONSIBLE--

--BILLING--

REDACTED

\*-----TIME ENTRIES-----\*

INDEX	INIT	DATE	STAT	HOURS	WORKED	AMOUNT	HOURS	BILLED	AMOUNT	A Code/LCODE	DESCRIPTION
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DATE: 01/19/18 14:37:30 PRO FORMA STATEMENT AS OF 123117 FOR FILE (220036-000052) 220036-000052 #2688086(\*\*\*\*\*) Page 2 (2)

REDACTED

DATE: 01/19/18 14:37:30 PRO FORMA STATEMENT AS OF 123117 FOR FILE (220036-000052) 220036-000052 #2688086(\*\*\*\*\*) Page 3 (3)

REDACTED

DATE: 01/19/18 14:37:30 PRO FORMA STATEMENT AS OF 123117 FOR FILE (220036-000052) 220036-000052 #2688086(\*\*\*\*\*) Page 4 (4)

REDACTED



DATE: 01/19/18 14:37:30 PRO FORMA STATEMENT AS OF 123117 FOR FILE (220036-000052) 220036-000052 #2688086(\*\*\*\*\*) Page 5 (5)

REDACTED

DATE: 01/19/18 14:37:30 PRO FORMA STATEMENT AS OF 123117 FOR FILE (220036-000052) 220036-000052 #2688086(\*\*\*\*\*) Page 6 (6)

22999211	3728	GDE	12/14/17	B	0.30	102.00	0.30	102.00	Review report and recommendation granting motion to show cause and email to Craig Woodcook regarding same.
22962689	4015	AJM	12/14/17	B	0.30	91.50	0.30	91.50	Analyze Magistrate's Report and Recommendation and calculate plaintiff's objection deadline.
<b>REDACTED</b>									
22996925	3728	GDE	12/15/17	B	0.10	34.00	0.10	34.00	Various emails with Craig Woodcook regarding sanction ruling.
<b>REDACTED</b>									
23004401	3728	GDE	12/19/17	B	0.10	34.00	0.10	34.00	Review recommendation regarding fee application issue.
23026698	3728	GDE	12/21/17	B	0.20	68.00	0.20	68.00	Review plaintiff's objections to Magistrate's Recommendation, docket response date, and forward same to Craig Woodcook.
23096958	4015	AJM	12/21/17	B	0.20	61.00	0.20	61.00	Analyze Plaintiff's Objection to the Magistrate's Recommendation.
23096982	4015	AJM	12/21/17	B	0.60	183.00	0.60	183.00	Analyze local rules to determine whether Defendant is permitted to file a Response opposing Plaintiff's Objection and timeframe within which to file said Response.
<b>REDACTED</b>									
23097004	4015	AJM	12/21/17	B	0.40	122.00	0.40	122.00	Analyze key facts and rebuttal arguments for inclusion in Response in Opposition to Plaintiff's Objection to the Magistrate's Report.
<b>REDACTED</b>									
23027153	3728	GDE	12/23/17	B	0.10	34.00	0.10	34.00	Email Craig Woodcook regarding plaintiff's objections to sanctions report and recommendation.
23027340	3728	GDE	12/24/17	B	0.50	170.00	0.50	170.00	Prepare Response to Plaintiff's Objections to Magistrate's Report and Recommendation.
23058222	3728	GDE	12/26/17	B	0.10	34.00	0.10	34.00	Email with Craig Woodcook regarding response to plaintiff's objections and file sent.

#2688086(\*\*\*\*\*) Page 7 (7)

DATE: 01/19/18 14:37:30 PRO FORMA STATEMENT AS OF 123117 FOR FILE (220036-000052) 220036-000052

REDACTED

DATE: 01/19/18 14:37:30 PRO FORMA STATEMENT AS OF 123117 FOR FILE (220036-000052) 220036-000052 #2688086(\*\*\*\*\*) Page 8 (8)

REDACTED

## Time Entry Report

Page 1 of 2

## Time Entry Report

Name Eisenstat, Gary D.  
Number 3728

Report Date 1/22/2018  
Report Period 1/1/2018 to 1/22/2018

Index	Date Worked	Matter Number	Client Name	Matter Description	Status	Task	Activity	Worked Hours	Worked Amount	Finalized
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REDACTED

Date : 1/10/2018

23143052

1/10/2018

220036-000052

Ben E. Keith  
CompanyBilly Farris v. Ben E. Keith  
(Palestine Beverage)

B

0.10

34.00

1/16/2018

Various emails with Craig Woodcock regarding and final judgment and fee application.

23143051

1/10/2018

220036-000052

Ben E. Keith  
CompanyBilly Farris v. Ben E. Keith  
(Palestine Beverage)

B

0.20

68.00

1/16/2018

Review Order adopting recommendation and telephone call with court clerk regarding same.

Billable Total

102.00

Non Billable Total

0.00

Daily Total

102.00

Date : 1/14/2018

23163865

1/14/2018

220036-000052

Ben E. Keith  
CompanyBilly Farris v. Ben E. Keith  
(Palestine Beverage)

B

0.90

306.00

1/17/2018

Review invoices regarding sanctions fee application.

Billable Total

306.00

Non Billable Total

0.00

Daily Total

306.00

Date : 1/17/2018

23196676

1/17/2018

220036-000052

Ben E. Keith  
CompanyBilly Farris v. Ben E. Keith  
(Palestine Beverage)

B

0.10

34.00

## Time Entry Report

Page 2 of 2

Review status of fee application.

Billable Total				0.10	34.00
Non Billable Total				0.00	0.00
Daily Total				0.10	34.00

Date : 1/18/2018

23195723	1/18/2018	220036-000052	Ben E. Keith Company	Billy Farris v. Ben E. Keith (Palestine Beverage)	B	0.80	272.00
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Review and revise Fee Application and Declaration.

Billable Total				0.80	272.00
Non Billable Total				0.00	0.00
Daily Total				0.80	272.00

Date : 1/19/2018

23196882	1/19/2018	220036-000052	Ben E. Keith Company	Billy Farris v. Ben E. Keith (Palestine Beverage)	B	1.00	340.00
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Finalize fee application.

23190849	1/19/2018	220036-000052	Ben E. Keith Company	Billy Farris v. Ben E. Keith (Palestine Beverage)	B	0.50	170.00
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Work on Fee Application and Declaration in Support.

REDACTED



## Time Entry Report

Page 1 of 2



## Time Entry Report

Name Magid, Andrew J.  
Number 4015

Report Date 1/22/2018  
Report Period 1/1/2018 to 1/22/2018

Index	Date Worked	Matter Number	Client Name	Matter Description	Status	Task	Activity	Worked Hours	Worked Amount	Finalized
Date : 1/17/2018										
23184784	1/17/2018	220036-000052 [X]	Ben E. Keith Company	Billy Farris v. Ben E. Keith (Palestine Beverage)	B			0.50	152.50	
Begin analyzing bills for inclusion in Fee Application.										
23178024	1/17/2018	220036-000052 [X]	Ben E. Keith Company	Billy Farris v. Ben E. Keith (Palestine Beverage)	B			2.90	884.50	
Work on Application for Attorneys' Fees and Declaration in Support.										
23184789	1/17/2018	220036-000052 [X]	Ben E. Keith Company	Billy Farris v. Ben E. Keith (Palestine Beverage)	B			0.40	122.00	
Analyze case law for inclusion in Fee Application.										
Billable Total									3.80	1,159.00
Non Billable Total									0.00	0.00
Daily Total									3.80	1,159.00
Date : 1/18/2018										
23184761	1/18/2018	220036-000052 [X]	Ben E. Keith Company	Billy Farris v. Ben E. Keith (Palestine Beverage)	B			2.60	793.00	
Continue analyzing bills for inclusion in Fee Application.										
23184766	1/18/2018	220036-000052 [X]	Ben E. Keith Company	Billy Farris v. Ben E. Keith (Palestine Beverage)	B			2.70	823.50	
Continue working on Fee Application, Declaration in Support, and Proposed Order.										
Billable Total									5.30	1,616.50
Non Billable Total									0.00	0.00
Daily Total									5.30	1,616.50
Date : 1/19/2018										
23190495	1/19/2018	220036-000052 [X]	Ben E. Keith Company	Billy Farris v. Ben E. Keith (Palestine Beverage)	B			1.90	579.50	
Continue analyzing bills and finalize calculations for inclusion in Fee Application.										
23190503	1/19/2018	220036-000052 [X]	Ben E. Keith Company	Billy Farris v. Ben E. Keith (Palestine Beverage)	B			2.40	732.00	
Continue working on, and finalize, Fee Application, Declaration in Support, and Proposed Order in light of today's filing deadline.										
23190488	1/19/2018	220036-000052 [X]	Ben E. Keith Company	Billy Farris v. Ben E. Keith (Palestine Beverage)	B			0.20	61.00	
Multiple communications with Craig Woodcock regarding attributable portions of Farris deposition and preparation to include in Fee Application.										

Time Entry Report

Page 2 of 2

23196302	1/19/2018	220036-000052 [X]	Ben E. Keith Company	Billy Farris v. Ben E. Keith (Palestine Beverage)	B	1.70	518.50
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Work on, and finalize, exhibits and redactions for Inclusion in Fee Application.

REDACTED